

REMARKS

Claims 1-68 are pending in the present application. Claim 60 was amended in this response to more positively recite and clarify claim terms. No new matter has been introduced as a result of the amendment. Support for the amendment may be found, for example in FIG. 9 and paragraph [0081]. Favorable reconsideration is respectfully requested.

Claims 1-17, 21, 23-26, 28-43, 47, 49-56, 59-65 and 68 were rejected under 35 U.S.C. §102(e) as being anticipated by *Ozzie et al.* (US Patent No. 6,640,241).

Claims 18-20, 27, 44-46, 57 and 66 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Ozzie et al.* (US Patent No. 6,640,241) in view of *Payne et al.* (US Patent No. 6,735,614).

Claims 22, 48, 58 and 67 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Ozzie et al.* (US Patent No. 6,640,241) in view of *Cave et al.* (US Patent 6,404,746). Applicant respectfully traverses these rejections. Favorable reconsideration is respectfully requested.

Applicants maintain that *Ozzie* is not prior art to the presently claimed invention. The presently claimed invention was conceived and reduced to practice prior to the effective date of *Ozzie* which is July 19, 1999. The previously submitted Affidavits of David Zaret, David Schonberg, Eric Sinclair, Adam Radulovic, Brawnski Armstrong, Enrico Ferrari, Pat O'Donnell and Eric Kristoff and the previously attached exhibits submitted therewith demonstrated that the claimed invention was conceived prior to July 19, 1999 and that the attached specification demonstrated reduction to practice of the invention prior to that date.

Applicants will be providing a supplementary declaration that will follow this response, that will conclusively establish that Applicants conceived and reduced to practice the subject matter of the present application. To date, Applicants have conducted a review of thousands of pages of operable code and coordinated with numerous individuals across the country to collect additional conclusive evidence demonstrating that the reduction to practice of the present subject matter occurred prior to July 19, 1999. Due to the temporary absence of certain individuals, Applicants were not able to provide a complete response prior to the final October 6 deadline.

Accordingly this RCE is being filed to maintain pendency of the application, and to provide additional support for patentability of the present application.


Applicants argue in the alternative that *Ozzie* does not teach or suggest the feature of transmitting structured message content over the computer network via real time chat. *Ozzie* discloses that messages (or “activities” - see col. 6, lines 37-62) are not structured, but are sent via different “templates”, must be downloaded prior to engaging in real-time chat (col. 12, lines 32-46). The templates merely provide different telespaces (504-506, see FIG. 5) in which users interact and run different applications (i.e., play chess, access CAD software). However, the templates only affect the applications being executed on the telespace - the messages themselves are sent in a conventional, un-structured manner (col. 13, lines 9-37). Amended claim 60 further specifies that message content is structured in a specific format based on fields associated with the message content. No such teaching exists in *Ozzie*.

In light of the above, Applicant respectfully submits that claims 1-68 are allowable over the prior art. Applicant also requests that a timely Notice of Allowance be issued in this case. Should there be any other charges regarding this application, the Examiner is hereby authorized to charge Deposit Account 02-1818 for any insufficiency of payment.

Respectfully submitted,

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